IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 9072 of 2004

Between:

B. Andalu, W/o. Late B. Laliah,
H.No.8-142, SRT No.32, Industrial Housing Colony,
Ghatkesar, A.P.

..... PETITIONER

AND

1 The Union of India, Ministry of Finance (Banking Division)
Jeevandeep Buildings, Sansad Marg, New Delhi.
2 Branch Manager, Union Bank of India,
Ghatkesar, A.P.
3 M/s. Sri Sivani Enterprises, Rep. by its Proprietor B. Lingam,
Ghatkesar, A.P.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the provisions of Sec.13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security interest Act, 2002 as unconstitutional and violative of arts. 14 and 21 of the Constitution of India, and consequently declare the notice issued by the 2nd respondent dt. 27-4-2004 as illegal and direct the respondents not to take possession of the petitioner property bearing H.No.8-142, SRT No.32, Industrial Housing Colony, Ghatkesar, R.R. District., for recovery of loan amount.

For the Petitioner:MR.M.L.ALI,Advocate

For the Respondent No. 1: MR.A.RAJASHEKAR REDDY (SC FOR CG)

For the respondent No.2: Mr A.Krishnam Raju, Advocate

For the respondent No.3: None appeared.

The Court Made the Following ORDER:

(per Hon'ble Sri Devinder Gupta, The Chief Justice)

In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 [MARDIA CHEMICALS LTD v UNION OF INDIA & ORS], challenge to the provisions of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason relief prayed for in this writ petition cannot be granted. Writ petition is, therefore, dismissed.

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DEVINDER GUPTA, CJ

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G.ROHINI, J

29th June, 2004.

nmr

ASSISTANT REGISTRAR

// true copy //

SECTION OFFICER

To

1. The Union of India, Ministry of Finance (Banking Division)

Jeevandeep Buildings, Sansad Marg, New Delhi.

2. The Branch Manager, Union Bank of India, Ghatkesar, A.P.

3. 2 CD copies.